

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH A. KENNEDY,

Plaintiff,

v.

BREMERTON SCHOOL DISTRICT,

Defendant.

NO. 3:16-cv-05694-RBL

DECLARATION OF AARON
LEAVELL IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

Noted for September 16, 2016

I, Aaron Leavell, declare the following to be true under penalty of perjury under the laws of the United States:

1. I am the Superintendent of the Bremerton School District ("District"), am over the age of 21, and make this declaration based upon personal knowledge.

2. I have spent 16 years of my career with the District, serving at various times as a teacher, Assistant Principal, Principal, Assistant Superintendent, and Superintendent. This is my fourth year as Superintendent of the District. At various times with the Bremerton District or other

1 districts, I have served as a football coach, track coach, basketball coach, and junior high athletic
2 director.

3 3. The District enrolls approximately 5,057 students. It employs approximately 332 teachers
4 and approximately 400 non-teaching personnel, not including substitutes.

5 4. I am familiar with the letter dated April 6, 2016 to the EEOC from the District's lawyer
6 responding to Mr. Kennedy's complaint. The facts it states, its exhibits, and the position of the
7 District it describes are accurate. The letter is submitted as Exhibit 10 to the Declaration of
8 Michael B. Tierney in Opposition to Plaintiff's Motion for Preliminary Injunction ("Tierney
9 Declaration").

10 5. The issue of Mr. Kennedy's prayers generated substantial publicity. Once the topic arose,
11 some people expressed concern about Mr. Kennedy's actions.

12 6. In the earlier stages of the issue with Mr. Kennedy, the publicity that was generated and
13 the content of comments on social media led the District to have concerns about people joining
14 Mr. Kennedy for prayer or otherwise coming on the District's football field immediately after the
15 final whistle. I recognized that the District was not prepared for the substantial amount of effort
16 it would take to secure the field in an orderly manner. For that reason, I decided not to attempt to
17 prevent access to the field at that point. My email of September 18, 2015 (Tierney Declaration,
18 Ex. 11) addresses this point. Where my email states "Jeff, when the community comes down
19 onto the field tonight after the game, we will not be able to prevent that from happening," it
20 refers only to the state of the District's preparations, not its authority to limit access. There has
21 never been any doubt about the District's authority to restrict access to its field and other District
22 facilities immediately following football games. The District never had any intention of holding
23 the field open for public access or of creating an open public forum.

1 7. Pictures were published in various media of Mr. Kennedy's post-game prayers. Tierney
2 Declaration, Exhibit 1 is a photograph of Mr. Kennedy praying in the center of a group of
3 players, members of the public, and news media personnel immediately after the game on
4 October 16, 2015. Tierney Declaration, Exhibit 2 is a photograph of Mr. Kennedy praying in the
5 stands with others on October 30, 2015.

6 8. At the conclusion of the game on October 16, a large number of people came on to the
7 field, some to pray with Mr. Kennedy. There were people jumping the fence and others running
8 among the cheerleaders, band and players. Afterwards, the District received complaints from
9 parents of band members who were knocked over in the rush of spectators on to the field. The
10 District subsequently moved ahead with preparations for securing the field after games. The
11 District made arrangements with the Bremerton Police Department for security, had signs made
12 and posted, had "robocalls" made to District parents, and otherwise put the word out to the
13 public that there would be no access to the field. The District had received notification from a
14 group that identified itself as a Satanist religion that it intended to conduct ceremonies on the
15 field after football games if others were allowed to. Representatives of that group were on the
16 District's grounds during a game, but they did not enter the stands or go on the field after
17 learning that the field would be secured. Tierney Declaration, Exhibit 3 is a photograph of the
18 Satanist group outside of the stands.

19 9. Players were observed to be praying with Mr. Kennedy when he did so after games in
20 2015. In terms of outward expression, no players appeared to be praying after games during the
21 time Mr. Kennedy temporarily ceased this practice or after he was placed on administrative
22 leave.

23 10. I have been acquainted with Dave Boynton for approximately 10 years or more. He is a
24

1 former member of the Board of Directors of the District. I have never known Mr. Boynton to be
2 a practicing Buddhist. The first that the District ever heard of an alleged Buddhist chant by Mr.
3 Boynton was in news reports of Mr. Kennedy's EEOC complaint in January 2016.

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5 Signed at Bremerton Washington, this 9th day of September, 2016

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, I caused the original of the foregoing document to be filed with the Clerk of the Court via electronic filing, who will send notification of filing as follows:

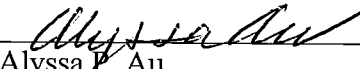
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DATED this 12th day of September, 2016 at Mercer Island, Washington.


Alyssa P. Au
Tierney & Blakney, P.C., Legal Assistant